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1	TOTAL CHE (CA DAD NO 220477)	
2	JOHN K. BUCHE (CA BAR NO. 239477)	
2	BYRON MA (CA BAR NO. 299706)	
2	BUCHE & ASSOCIATES, PC	
3	875 Prospect Street Suite 305	
,	La Jolla, CA 92037	
4	Telephone: (713) 589-2214	
ا ہ	Fax: (858) 459-9120	
5	Email: jbuche@buchelaw.com	
	bma@buchelaw.com	
6	GANGUEL A GELLAN AND DARNO 5750000	
7	SAMUEL A. SEHAM (NY BAR NO. 5768080	
7	LEE SEHAM (NY BAR NO. 2194306) (pro he	•
	SEHAM, SEHAM, METZ & PETERSEN L	LP
8	199 Main Street, 7th Floor	
	White Plains, NY 10601	
9	Telephone: (914) 997-1346	
10	Fax: (914) 997-7125	
10	Email: samuel.seham@gmail.com	
11	ssmpls@aol.com	
11	Attorneys for the Plaintiffs Walter Spurlock and	l Andra Guihart
12	Anorneys for the Flamilys watter spuriock and 	i Anure Guiberi
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13	UNITED STATES I	NISTRICT COURT
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DECLARATION IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER PORTIONS OF PLAINTIFFS' RESPONSE SHOULD BE SEALED

- 1. I am an associate at Seham, Seham, Meltz & Petersen, LLP, 199 Main Street, White Plains, NY (10601), and counsel for Plaintiffs Walter Spurlock and Andre Guibert. I have personal knowledge of the facts stated herein and, if called upon, I could and would testify competently thereto under oath.
- 2. Pursuant to Civil Local Rule 79-5(c)(1), I respectfully submit this statement in support of Plaintiffs' Administrative Motion to Consider Whether Portions of Plaintiffs' Response Should Be Sealed. I have personal knowledge of the facts stated herein and, if called upon, I could and would testify competently thereto under oath.
- 3. The decision to seal records is left to the discretion of the district court. *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 599 (1978)). Courts apply a "compelling reasons" standard, especially when considering motions to seal documents related to the parties' pleadings. *See Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)); *Pardi v. Tricida, Inc.*, No. 21-cv-00076-HSG, 2023 U.S. Dist. LEXIS 168633, at *6 (N.D. Cal. Sep. 21, 2023) (collecting cases). "This standard derives from the common law right 'to inspect and copy public records and documents, including judicial records and documents." *Id.* (quoting *Kamakana*, 447 F.3d at 1178). "[A] strong presumption in favor of access is the starting point." *Kamakana*, 447 F.3d at 1178 (quotations omitted). *Green Renewable Organic & Water Holdings, LLC v. Bloomfield Invs., LLC*, No. 21-cv-07181-HSG, 2023 U.S. Dist. LEXIS 200954, at *1-2 (N.D. Cal. Nov. 8, 2023)

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1	4. The document attached hereto is a true and correct copy of Plaintiffs' Response to	
2	Defendants' Motion to Dismiss, which reflects information that has been designated	
3	"Confidential" by Defendants.	
4	I declare under the penalty of perjury under the laws of the United States of America that	
5	the foregoing is true and correct.	
6	Executed in White Plains, New York on March 15, 2024.	
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8	By: <u>/s/ Samuel A. Seham</u>	
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